IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 153 OF 1996

Robin Abraham, Inspe;ctor of Customs, Bombay.... .... Appellant.
V/s
1. Smt.Ramai Moodley & Ors..... .... Respondents.

Mr.D.N. Salvi, Adv. For Union of India-appellant.

Mrs.P.H. Kantharia, APP for the State.

CORAM:V.G. PALSHIKAR

AND

R.C. CHAVAN, JJ.

11/07/2005

PC:

This appeal is preferred by the Inspector of Customs (Prevention) against acquittal of accused persons in NDPS Special Case No.168/1993. Initially the appeal was admitted against accused persons. When it came up before the Court on 23.11.1998 it was dismissed against respondents 1 to 8. Respondent No.9 being State of Maharashtra.

2. On 26.11.1998 the appeal dismissed on 23.11.1998 was restored only against accused Nos.4 and 8. During the pendency of this appeal respondent No.8 died in the year 2002 or thereabouts. Thus effectively appeal survives only against respondent No.4. Earlier also

it was called out and since none appeared for the complainant-Inspector of Customs it was adjourned.

3. The learned counsel appearing for the Union of India submitted that though the appeal survives only against accused No.4 it is liable to be allowed. We have perused the record and the previous orders. When this Court has rejected the evidence against other accused persons respondents in appeal, there is no reason why it should be accepted only in relation to accused No.4. Hence we deem it just and proper to dismiss the appeal. It is accordingly dismissed.